IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

* * * * *

C.W.P NO.12771 OF 2006

Date of decision : September 14, 2006

* * * * *

Union Territory of Chandigarh .....Petitioner

Vs.

Permanent Lok Adalat (Public Utility Services), Union Territory, Sector 17, Chandigarh & another .....Respondents

* * * * *

CORAM: HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S BHALLA

Present: Mr. K.K Gupta, Advocate for the petitioner(s).
Mr. Manohar Lal, Advocate for respondent no.2.

* * * * *

Viney Mittal, J. (Oral)

Notice of motion was issued by this Court noticing the contention that Permanent Lok Adalat-respondent no.1 had no jurisdiction to pass the award dated March 8, 2006 inasmuch as the controversy before the Permanent Lok Adalat was not covered under Section 22-A(b) of the Legal Services Authorities Act, 1987.

In the written statement filed on behalf of respondent no.2, a notification dated October 23, 2003 issued by the Chandigarh Administration has been reproduced, which reads as under:

"HOME DEPARTMENT"

NOTIFICATION

The 23rd October, 2003

No.8104-IH(8)-2003/19695:- In exercise of the powers conferred by clause (b) of Section 22-A of the Legal Services Authorities Act, 1987 (Act No.39 of 87), and all other powers enabling him in this behalf, the Administrator, Union Territory, Chandigarh, is pleased to declare "Housing and Estates" to be public utility services in the Union Territory, Chandigarh for the purposes of this Act.

R.S GUJRAL,
Home Secretary,
Chandigarh Administration."

In view of the aforesaid fact, we are satisfied that Permanent Lok Adalat had the jurisdiction to take up the controversy in question.

However, Sh. K.K Gupta, learned counsel appearing for the petitioner-Administration has argued that the award of the Lok Adalat would actually result in fragmentation of the dwelling unit, which was a construction raised on a five marla plot. According to Sh. Gupta, fragmentation of the dwelling unit was prohibited under Rule 14 of Chandigarh (Sale of Sites & Building) Rules 1960.

On the other hand, Sh. Manohar Lal, learned counsel for respondent no.2 states that the award of the Lok Adalat was only with regard to recognition of 50% of the share purchased by respondent no.2 and the directions have been issued only to effect said change in the records. Sh. Manohar Lal further states that respondent no.2 shall not insist upon the actual partition of the property in question and the reflection of the partition of the suit property in the records.

In view of the stand taken by respondent no.2, learned counsel for the petitioners is left with no other grievance.

Disposed of accordingly.

(VINEY MITTAL)
JUDGE

September 14, 2006
ritu

(H.S BHALLA)
JUDGE